

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 19 August 2008**

Agenda Item	4.3
Report No	46-08

**08/00333/FULRC Erection of eighteen flats and associated car parking at land  
between Alness Bridge and railway viaduct, River Lane, Alness**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The proposal is in detail and comprises the erection of eighteen flats in three 2/2½ storey blocks, together with associated car parking and amenity space.

Alness Community Council has objected to the proposal. The application was advertised as a potential departure from the development plan, under Section 34 of the Act and as development affecting the setting of a listed building. The publicity period expired on 30 May 2008.

**The Recommendation is to GRANT planning permission.**

**Ward Number 7 – Cromarty Firth**

Applicant – William Gray Construction Ltd.

No Hearing has been requested.

**1. PROPOSAL**

1.1 The detailed proposal comprises the erection of eighteen flats in three 2/2½ storey blocks on redundant land which formerly operated as a coal yard and motor workshop to the west of River Lane in Alness. To the immediate north lie established houses, flats and a vacant shop unit on Novar Road; to the west is a new bungalow built within garden ground to the rear of the house at 7 Novar Road; to the east is River Lane and the River Averon; and to the south is the railway embankment and viaduct over the river. Access is proposed onto River Lane, which joins Novar Road at an existing junction immediately to the west of the road bridge over the river.

**2. PLANNING HISTORY**

2.1 07/00010/FULRC – Erection of twenty four flats – Application withdrawn 13.08.07  
07/00837/FULRC – Erection of twenty flats – Application withdrawn 29.04.08

### **3. PUBLIC PARTICIPATION**

- 3.1 Advertised 09.05.08 under Section 34 of the Act, affecting the setting of a listed building and as a potential departure from the development plan. Expiry date 30.05.08. No third party letters of representation received.

### **4. CONSULTATIONS**

- 4.1 **Alness Community Council** – Objects to the application on the grounds of road safety, expressing concern over the point of access onto Novar Road, stating that there is too much heavy traffic on this route. It is suggested that a one way system may resolve the situation or if access could be made from the industrial estate, which would mean the bollards would require to be moved from under the viaduct bridge.

#### **4.2 Internal Consultees**

**TECS (Transport)** - No objections subject to the following matters being addressed:

1. Drainage would require to be addressed at Road Construction Consent stage;
2. Street lighting would require to be agreed at Road Construction Consent stage;
3. Parking layout needs slight adjustment and all behind 4.5m x 30m visibility splays;
4. Bin storage needed adjacent to public road;
5. Footway adjacent to carriageway at Block 2 to be placed behind preserved service strip;
6. Play area contribution required;
7. Vegetation to be cut back at junction with Novar Road to optimise visibility.

In response to the suggestions of Alness Community Council, the following comments are made:

- A one way system on the B817 is unrealistic and would provoke objections for what would be a short term construction period;
- The bollards were presumably placed on Riverside Road for good reasons, possibly as the lane was being used as a 'rat run' and/or the width of the bridge was causing a pinch-point.

**TECS (Contaminated Land)** - With regard to the Environmental Desk Study submitted this concludes that a Phase I study and Phase II site investigation should be carried out for the site. It is agreed this recommendation should be implemented. Accordingly a condition is suggested which would cover this.

**Archaeology Unit** - No archaeological condition requested.

**Conservation Architect** - The proposals are welcomed in principle as they should ensure the amelioration of the site which has been a derelict eyesore for some time. The plans as now reduced in scale and with amended elevations reducing the extent of timber cladding, including white coloured wet render are more acceptable. The only comment would be for a commitment to natural slate rather than slate effect tiles to roofs and dormers.

**Forestry Officer** - The site report carried out correctly identifies that with a 6-metre 'no-build zone' there should be no impact on the root systems of the adjacent trees. A condition is required relating to protection of trees prior to any site excavation. Concern is still expressed over the above ground constraints, in particular restricted light due to shading and potential safety issues as the trees continue to grow. The latest layout is certainly an improvement in that most of the southern boundary is occupied by car parking and Block 3 is now orientated so that the gable end is facing the trees. It would appear that there is only one (bathroom) window in this gable which causes less of a problem with restricted light and the gable is also far more capable of absorbing an impact from a falling tree, should this occur. The recommendation remains a 15 metre separation however on balance Committee may be prepared to accept a reduced separation.

**Housing Officer** - No objections. Based on the number of units proposed the developer should provide 5 affordable units. It is recommended a Section 75 agreement be entered into for the delivery of the affordable housing unless the developer can prove they have entered into a legally binding contract with a housing association. The location of the affordable housing will need to be agreed with Albyn Housing Society and Housing Services.

#### 4.3 External Consultees

**Scottish Water** - No objections. There may be capacity in the water and waste water networks to service this development.

**Scottish Environment Protection Agency** - No objections. SuDS proposals acceptable. The proposed development complies with previous flood risk assessment carried out.

## 5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

### **Highland Structure Plan (2001):**

- Policy G1 – Conformity with Strategy
- Policy G2 – Design for Sustainability
- Policy H1 – Housing Allocations for Areas 1998 – 2017
- Policy H4 – Affordable Housing
- Policy H5 – Affordable Housing
- Policy H7 – Housing for Varying Needs

**Ross and Cromarty East Local Plan (2007):**

- GSP1 – Design and Sustainable Construction
- GSP8 – Affordable Housing
- GSP9 – Housing Site Capacities
- Alness Settlement Policy 13 – Housing

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- SPP1 – The Planning System
- SPP3 – Planning for Housing
- PAN 67 – Housing Quality
- PAN 78 – Inclusive Design

**6. PLANNING APPRAISAL**

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 **Policy appraisal** - The site is allocated for housing development in the adopted Local Plan. It forms part of a larger site with an indicative capacity of 10-15 units and is suggested as being suitable for sheltered housing. Although the development is general needs accommodation (including affordable), the proposal generally complies with the terms of the development plan and the number of units has now been reduced from 24 to 18. Redevelopment of a derelict brownfield site is to be welcomed and complies with the Council's policies on sustainability.

6.4 **Siting, design and amenity** - The detailed proposal is for three separate buildings, two of which run parallel with River Lane overlooking the river and the third positioned almost at right angles to this in the north-west corner of the site. A single access is proposed from River Lane into a courtyard turning and parking area which also contains communal bin storage and cycle shelter facilities. A footpath is proposed along the River Lane frontage of the site with additional car parking bays between this and the buildings. The buildings vary between 2 and 2½ storeys in height and are proposed to be finished in white wet harl with sections of timber cladding and a natural slate/slate effect roof.

Further to concerns expressed over the initial proposals for 24 units in three storey buildings, the development has been scaled down in numbers, footprint and height resulting in the submission now before Members for determination.

The principal outlook from the buildings is towards the river and into the courtyard to minimise overlooking of adjoining properties. The buildings have largely been adjusted away from the railway embankment and western boundary to safeguard existing trees. I am satisfied that there will be no adverse effect on the setting of the adjacent Listed Buildings on Novar Road, nor on the road bridge or the railway viaduct.

- 6.5 **Servicing and infrastructure** - A flood risk assessment has been carried out for the site and SEPA is satisfied with its positive conclusions. A Contaminated Land desk study has also been prepared which recommends further investigations which require to be carried out prior to work commencing on site and which can be subject to condition. A SuDS strategy has been agreed with SEPA. TECS (Transport) has agreed to access and parking arrangements subject to some minor adjustment.
- 6.6 **Community Council objection** - Alness Community Council has submitted an objection as advised in para 4.1 above. Whilst such concerns are acknowledged they are not substantiated in the detailed response from the Council's Roads office. It is submitted that the existing junction of River Lane with Novar Road is suitable for the amount of additional traffic generated on the basis that vegetation is trimmed back to ensure maximum available visibility is maintained. The alternative solutions mooted by the Community Council involving possible access from the industrial estate appear more likely to cause conflict with road safety principles.

## 7. CONCLUSION

- 7.1 It is submitted that the proposal accords generally with adopted Council policy and will provide flatted accommodation close by the town centre of Alness to cater for first time buyers and smaller households. Considerable efforts have been made by the applicants to adjust the proposals in response to concerns initially expressed over various aspects of the development, from the original application for 24 units lodged in January 2007. Subject to conditions, the proposal is therefore found to be acceptable.

## RECOMMENDATION

### Grant Planning Permission subject to conditions:

- 1 Except as otherwise provided by the terms of this permission, the developer shall construct the development in accordance with the plans and supporting information submitted with the application and docquetted hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority. For the avoidance of doubt, the roofs shall be finished in natural slate unless otherwise agreed with the Planning Authority.

Reason: In order to clarify the terms other permission hereby granted and to ensure that the development is implemented as approved.

- 2 Prior to the commencement of construction of the buildings, detailed arrangements for the on-going maintenance, in perpetuity, of all landscaped areas shall be submitted to and require the approval in writing of the Planning Authority. In addition a commuted sum shall be agreed with the Council's TEC Services in respect of a contribution to existing play facilities. No development may commence on any part of this site until evidence of this agreement and a programme of contribution is lodged with the Council.

Reason: In the interests of ensuring residential amenity and in accordance with Council policy.

- 3 Prior to the commencement of development, details of the lighting system designed for the development shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority in order to limit urban sky glow and light spillage onto surrounding areas. The approved details shall thereafter be implemented prior to any part of the development being brought into use.

Reason: In the interests of residential amenity, in order to avoid light pollution and for the avoidance of doubt.

- 4 Prior to any site excavation, all retained trees shall be protected against construction damage using Herras fencing secured to posts and located beyond the Root Protection Area (in accordance with BS5837:2005 Trees in Relation to Construction). Fencing shall be inspected and approved in writing by the Planning Authority prior to the commencement of ground works.

Reason: In the interests of residential amenity and for the avoidance of doubt.

- 5 Prior to the commencement of development, the developer shall submit a detailed landscaping plan specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted together with an indication of how they integrate with the proposal in the long term. A maintenance programme shall be submitted for approval specifying weed control; adjustment / replacement of shelters, stakes and ties; formative pruning; and replacement of failures. Planting shall be carried out during the first year following practical completion of the development. All trees shall be retained in perpetuity and any failures shall be replaced within the next planting season to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity and for the avoidance of doubt.

- 6 All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Water Authority and Building Standards Authority. Prior to the commencement of development, detailed proposals for the disposal of surface water from the site, which shall require to meet the Best Management Practice Guidelines of the

Scottish Environment Protection Agency, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and SEPA. All proposals thereby approved shall be implemented prior to occupation of the houses. For the avoidance of doubt, foul drainage shall be by means of a connection to the public sewer.

Reason: In order to ensure that the site is properly drained, and for the avoidance of doubt.

- 7 All access arrangements shall be provided to the satisfaction of the Planning Authority in accordance with the Roads Authority. For the avoidance of doubt, all roads and footpaths shall be constructed to the adoptive standards of the Roads Authority and no buildings shall be constructed until such time as Road Construction Consent has been granted for the site access road. Prior to any development commencing on site amended parking arrangements shall be agreed to ensure no encroachment into visibility splays from the site onto River Lane and the vegetation on the river bank shall be trimmed back and maintained as such in perpetuity to optimise visibility eastwards over the road bridge on Novar Road.

Reason: In the interests of road safety and for the avoidance of doubt.

- 8 Unless otherwise approved in writing by the Planning Authority, hours of construction on the site shall be restricted to 8:00am to 6.00pm Monday to Friday, 8:00am to 1:00pm on Saturdays, with no Sunday working.

Reason: In the interests of residential amenity, in order to avoid disturbance and nuisance, and for the avoidance of doubt.

- 9 Prior to the commencement of development, the applicant shall provide, by way of assessment of potential contamination issues, evidence that the site is suitable for its proposed use. Such an assessment shall be consistent with the approach to land contamination contained within the new contaminated land regime as reflected in PAN 33 and with the British Standard for investigation of potentially contaminated sites, BS 10175:2001. The approved details shall thereafter be implemented prior to any part of the development being brought into use.

Reason: In order to ensure that the site is suitable for its intended residential use.

- 10 The development hereby approved shall incorporate a minimum number of 5 affordable units. No development shall commence on site until the developer has demonstrated that he has entered into a design and build contract with a social housing provider or equivalent to deliver the affordable housing units within Community Scotland benchmark costs and built to Community Scotland housing for variable needs standards unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of securing compliance with the Council's Affordable Housing Policy as contained in the Development Plan.

- 11 Prior to the commencement of building operations and on completion of preliminary earthworks the position of the buildings and their finished floor levels shall be pegged out on site for approval by the Planning Authority in accordance with detailed drawings of finished floor levels relative to established ground levels which shall be submitted to and require the approval in writing of the Planning Authority prior to commencement of any development on site. For the avoidance of doubt the finished floor levels shall be kept as low as practically possible.

Reason: In order to ensure that the proposed development has a satisfactory relationship to the existing topography.

Informative

The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network at the appropriate time. It is important to note that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must contact Scottish Water Operations Technical Support Team to ascertain what measures are to be taken to protect this apparatus. A connection to the public sewer network system is dependent on the spare capacity at the time of application for a sewer connection. A supply from the public water network is dependent on spare capacity at the time of application for a water connection.

Signature: Allan J Todd

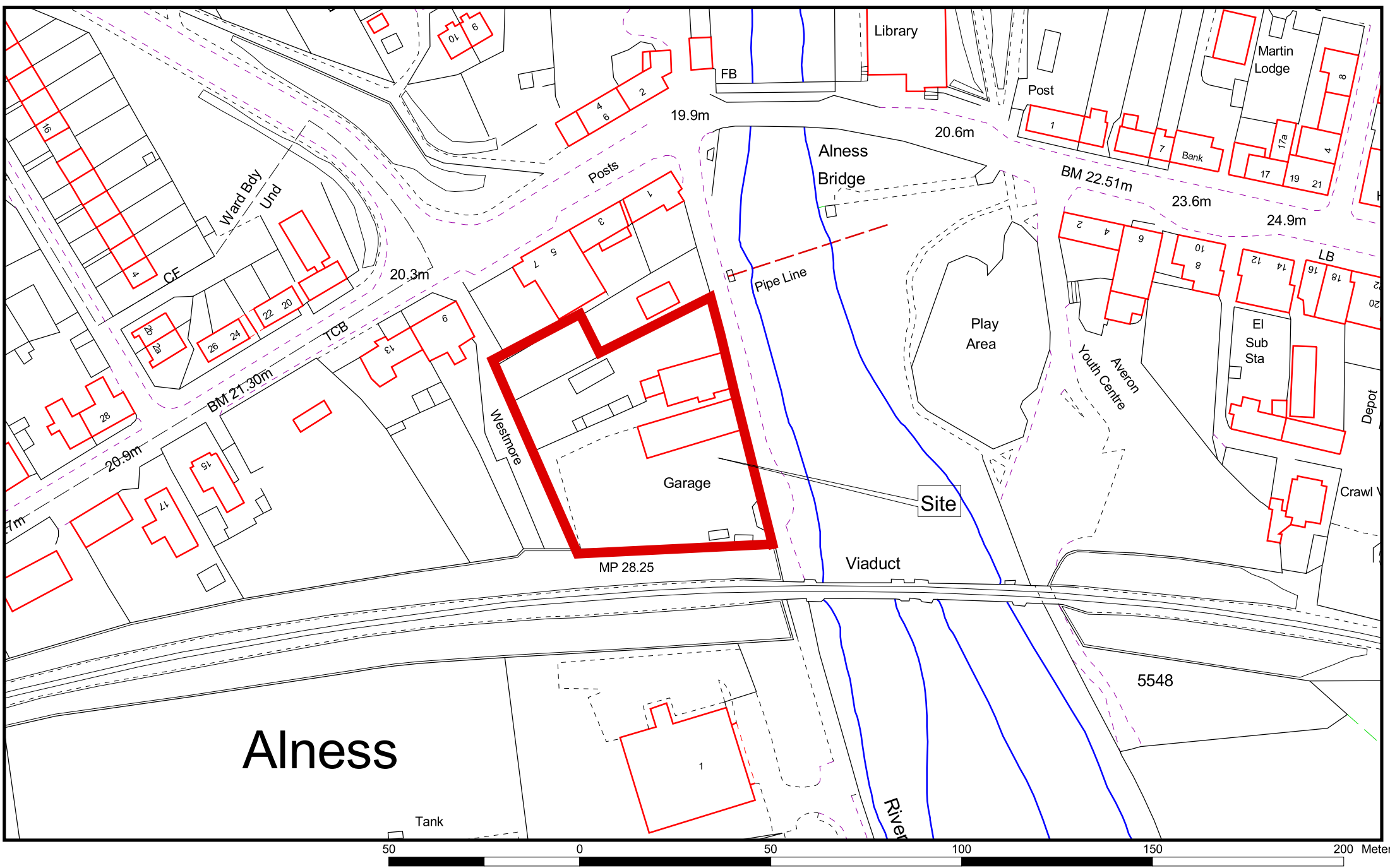
Designation: Area Planning & Building Standards Manager

Author: Dorothy Stott (01349 868426)

Background Papers: As referred to in the report above and case file reference number 08/00333/FULRC

Date: 30.07.08





**Alness**

**08/00333/FULRC Erection of eighteen flats and associated parking (following demolition of existing workshop buildings) (Detail) (Resubmission) at River Lane Alness**  
 SUPPLIED BY THE HIGHLAND COUNCIL



4 August 2008

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18 UNITS TOTAL

27 PARKING SPACES TOTAL  
(27 REQUIRED BASED ON 1.5/UNIT)

Client William Gray Construction
Project Proposed Flatted Development
Bridge End, Alness

**COLIN ARMSTRONG ASSOCIATES**

**THE HIGHLAND COUNCIL**  
PLAN 1 OF 6 SUBMITTED WITH  
PLANNING APPLICATION NO: 08/00333/FULRC  
DATE OF RECEIPT: 4th April 2008

Drawing title Site Layout Plan		<b>PLANNING</b>
Scale 1 : 250 @ A3	Date March 2007	Revision *
Drwg No. P(RV4)002	Job No. 0494	Drawn DJC



NATURAL SLATE/SLATE EFFECT TILES TO ROOF AND DORMERS.

'WHITE' COLOUR WET DASH RENDER AND STAINED TIMBER CLADDING AS INDICATED ON ELEVATIONS TO EXTERNAL WALLS.

STAINED HARDWOOD FRAMED WINDOWS, SCREENS & DOORS.

PRECAST CONCRETE CILLS, BUFF COLOURED.

SMOOTH CEMENT RENDER BASECOURSE TO MATCH BUFF CILLS.





NATURAL SLATE/SLATE EFFECT TILES TO ROOF AND DORMERS.

'WHITE' COLOUR WET DASH RENDER AND STAINED TIMBER CLADDING AS INDICATED ON ELEVATIONS TO EXTERNAL WALLS.

STAINED HARDWOOD FRAMED WINDOWS, SCREENS & DOORS.

PRECAST CONCRETE GILLS, BUFF COLOURED.

SMOOTH CEMENT RENDER BASECOURSE TO MATCH BUFF GILLS.

